

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHNATHAN H. IRONS,)	
)	
Petitioner,)	
)	
v.)	No. 4:03-CV-513 CAS
)	
DAVE DORMIRE,)	
)	
Respondent.)	

ORDER

This matter is before the Court on state prisoner Johnathan H. Irons' action pursuant to 28 U.S.C. § 2254. This case was referred to United States Magistrate Judge Lewis M. Blanton for report and recommendation on all dispositive matters and for final disposition on all non-dispositive matters, pursuant to 28 U.S.C. § 636(b).

On July 24, 2006, Judge Blanton filed a Report and Recommendation of United States Magistrate Judge which ordered that petitioner's motion to expand the record be granted in part and denied in part, denied petitioner's request for an evidentiary hearing, and recommended that Irons' petition for writ of habeas corpus be denied.

Petitioner, through counsel, filed timely objections to the Report and Recommendation, asserting that the Magistrate Judge erred in concluding that: (1) no improper comment on petitioner's post-arrest silence occurred in violation of Doyle v. Ohio, 426 U.S. 610 (1976), when the Acknowledgment and Waiver of Rights Form signed by petitioner was admitted into evidence (Ground 1 of the Petition); (2) the prosecutor's comment concerning the victim's identification of petitioner at a preliminary hearing had no effect on the jury's verdict (Ground 2 of the Petition); and

(3) the prosecutor's statements during closing argument did not constitute an improper comment on petitioner's failure to testify (Ground 3 of the Petition). Petitioner also objects to the partial denial of his motion to expand the record and the denial of his motion for an evidentiary hearing.

The Court has carefully reviewed petitioner's objections and the entire record of this matter. Following de novo review, the Court concurs in the recommendation of the Magistrate Judge as contained in the well-reasoned and thorough Report and Recommendation. Petitioner's objections are overruled.

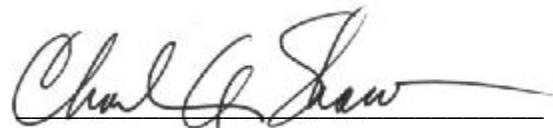
Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge is **sustained, adopted and incorporated** herein. [Doc. 32]

IT IS FURTHER ORDERED that Johnathan H. Irons' Petition for Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254 is **DENIED**. [Doc. 4]

IT IS FURTHER ORDERED that this matter is **DISMISSED**, with no further action to take place herein.

An appropriate judgment will accompany this order.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 28th day of September, 2006.